IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 869 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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DINESHBHAI SHANTILAL TRIVEDI & 4 - Applicant(s)
Versus
STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :
MR FB BRAHMBHATT for Applicant(s) : 1 - 5.
Shri RC Kodekar, Addl. PUBLIC PROSECUTOR for Respondent(s) : 1,
SHRIKAR H BHATT for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 03/08/2007
ORAL JUDGMENT

Rule. Shri Shrikar Bhatt, learned advocate waives service of Rule on behalf of respondent No.2 and Shri R.C. Kodekar, learned APP waives service of Rule on behalf of

respondent No.1. Shri Brahmbhatt, learned advocate does not press the present application qua petitioners No. 3, 4 and 5 at this stage.

2. By way of this application under Section 482 of the Code of Criminal Procedure, the petitioners, parents of respondent No.2 herein original-complainant have prayed to quash and set aside the complaint being C.R. No. I-183/2007 lodged at Sabarmati police station for the offences under Section 498A, 323, 114 IPC. Respondent No.2 is personally present in the Court along with her advocate Shri Shrikar Bhatt and has submitted that so far as the petitioners are concerned who are her parents the complaint be quashed more particularly considering the fact that there is no grievance against the petitioners and respondent No.2 is residing at present with her parents, i.e., petitioners No. 1 and 2 herein. Even otherwise, considering the averments in the complaint and taking it as it is, no case is made out against the petitioners

No. 1 and 2 for the offences under Section 498A. The basic complaint is for the offences under Section 498A of the I.P.C. Considering the above and more particularly when now the respondent No.2 herein, original-complainant is residing happily with her parents, i.e., petitioners No 1 and 2 herein, to continue the criminal proceedings by way of aforesaid complaint would not be in the interests of the parties. Under the circumstances, this is a fit case to exercise powers under Section 482 of the Code of Criminal Procedure and to quash the impugned complaint qua petitioners No.1 and 2.

3. For the reasons stated above and without further entering into the merits of the case, the impugned complaint, C.R. No. I-183/2007 registered at Sabarmati police station is quashed and set aside qua petitioners No. 1 and 2. Rule is made absolute accordingly.

rmr. [M.R. Shah, J.]